

REMARKS

Claims 1-38 are pending in the present application. By this amendment, claims 1 and 26 are amended. Applicants respectfully request reconsideration of the present claims in view of the following remarks.

I. Formal Matters

Interview Summary Under 37 C.F.R. §1.133

A telephonic interview occurred between the undersigned and Examiner Singh on August 6, 2004. The interview covered the rejection of claims 1, 13, 18, and 30 as being anticipated by United States Patent Application Publication No. 2003/0118160 A1 to Holt et al. (hereinafter "Holt") and as being anticipated by United States Patent No. 4,811,381 to Woo et al. (hereinafter "Woo"). The interview also covered the rejection of claim 26 as being unpatentable over the combined teaching of Woo in view of United States Patent No. 6,295,341 to Muller (hereinafter "Muller"). Examiner Singh and the undersigned discussed the proposed amendments to the claims and the cited references.

II. Claim Rejections

Claim Rejections Under 35 U.S.C. §102(e)

Claims 1, 6, 9, 13, 18, and 30 are rejected under 35 U.S.C. §102(e) as being anticipated by Holt. This rejection is respectfully traversed.

As amended, claim 1 recites that a system for monitoring a call forwarded to a network-based voice mail system (VMS) comprises a central office switch (CO) connected to the VMS and customer premises equipment (CPE) associated with a called party, the CO operative to receive a call monitoring provisioned signal from the VMS, wherein the call monitoring provisioned signal indicates that call monitoring is allowed, and the VMS operative to send the call monitoring provisioned signal to the CO.

Holt does not disclose a system for monitoring a call forwarded to a network-based voice mail system (VMS) as recited by claim 1. On the contrary, Holt discloses a system for monitoring a call directed to a VMS including a subscriber's switch operative to attempt to connect a call to the subscriber line and to forward the call to an inbound

media gateway if the subscriber line is busy or the call is not answered; the inbound media gateway operative to notify a call agent that an inbound call has been received; the call agent operative to notify an application server of the inbound call; and the application server operative to instruct the call agent to initiate call legs between the caller, the VMS, and the packet telephony client through a conference server. This is not analogous to the system recited by claim 1 because Holt fails to disclose that the VMS is operative to send a call monitoring provisioned signal to the subscriber's switch indicating that call monitoring is allowed.

For at least the reasons given above, claim 1 is allowable over Holt. Claims 6 and 9 depend from claim 1 and are considered allowable over Holt for at least these reasons. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claim 13 recites that a method for monitoring a call forwarded to a network based voice mail system comprises determining whether a call can be monitored.

Holt does not disclose a method for monitoring a call forwarded to a network based voice mail system as recited by claim 13. Instead, Holt discloses a method for monitoring a call directed to a VMS by forwarding a call from a subscriber's switch to an inbound media gateway if the subscriber line is busy or the call is not answered; notifying a call agent that an inbound call has been received; notifying an application server of the received inbound call; determining whether the subscriber is available to monitor his calls; and if so, then initiating call legs between the caller, the VMS, and a packet telephony client. This is not analogous to the method recited by claim 13 because Holt fails to disclose determining whether a call can be monitored. Instead, Holt discloses determining whether the subscriber is available to monitor his calls, without suggesting determining whether the call can be monitored.

For at least the reasons given above, claim 13 is allowable over Holt. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claim 18 recites that a method for monitoring a call forwarded to a network based voice mail system (VMS) comprises receiving a call monitoring provisioned signal from the VMS indicating that call monitoring is allowed.

Holt does not disclose a method for monitoring a call forwarded to a network based voice mail system (VMS) as recited by claim 18. Instead, Holt discloses a method

for monitoring a call directed to a VMS by forwarding a call from a subscriber's switch to an inbound media gateway if the subscriber line is busy or the call is not answered; notifying a call agent that an inbound call has been received; notifying an application server of the received inbound call; determining at an application server whether the subscriber is available to monitor his calls; and if so, then initiating call legs between the caller, the VMS, and a packet telephony client. This is not analogous to the method recited by claim 18 because Holt fails to disclose receiving a call monitoring provisioned signal from the VMS indicating that call monitoring is allowed.

For at least the reasons given above, claim 18 is allowable over Holt. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claim 30 recites that a method for monitoring a call forwarded to a network based voice mail system comprises receiving an activate call monitoring data message from the CO and in response to receiving the activate call monitoring data message, going off-hook and engaging a speaker assembly to monitor the call.

Holt does not disclose a method for monitoring a call forwarded to a network based voice mail system as recited by claim 30. To the contrary, Holt discloses a method for monitoring a call by sending an invitation from the call agent to a subscriber to join a conference call with the caller and the VMS, and if the subscriber accepts the invitation, then establishing a communications link between the packet telephony client and the conference server. This is not analogous to the method recited by claim 30 because Holt does not disclose establishing a communications link between the packet telephony client and the conference server in response to receiving the invitation from the call agent. Instead, Holt teaches that the subscriber must actually accept the invitation before a communications link can be established.

For at least the reasons given above, claim 30 is allowable over Holt. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claim Rejections Under 35 U.S.C. §102(b)

Claims 1, 3-6, 9, 13, 18, 23, and 30 are rejected under 35 U.S.C. §102(b) as being anticipated by Woo. This rejection is respectfully traversed.

As amended, claim 1 recites that a system for monitoring a call forwarded to a network-based voice mail system (VMS) comprises a central office switch (CO) connected to the VMS and customer premises equipment (CPE) associated with a called party, the CO operative to receive a call to a called party number, forward the call to the VMS, receive a call monitoring provisioned signal from the VMS, wherein the call monitoring provisioned signal indicates that call monitoring is allowed, and in response to the call monitoring provisioned signal, to send an activate call monitoring data message and a call monitoring alert signal to the CPE associated with the called party; and the VMS operative to send the call monitoring provisioned signal to the CO.

Woo does not teach or suggest a system for monitoring a call forwarded to a network-based voice mail system as recited by claim 1. On the contrary, Woo describes a system for storing and transmitting the extension number of a called party including an integration device connected to a local telephone company's central office and a private branch exchange. As the extension number of the called party is passed to the private branch exchange from the central office, the integration device monitors and stores the extension number. If the call to the called party is forwarded to a voice message system, the voice message system (VMS) generates a playback signal which informs the integration device that information about the call (e.g., the dialed extension number) is desired. In response, Woo describes that the integration device provides the VMS with the extension number to identify the called party. This is not analogous to the system recited by claim 1 because Woo fails to teach or suggest that the central office is operative to receive a call monitoring provisioned signal from the VMS that indicates that call monitoring is allowed. Instead, Woo describes that the VMS sends a playback signal informing the integration device that information about the call is desired, without suggesting that the VMS also sends a call monitoring provisioned signal from that indicates that monitoring of the call is allowed. Moreover, Woo does not describe that in response to receiving a call monitoring provisioned signal, the central office is operative to send an activate call monitoring data message and a call monitoring alert signal to customer premise equipment associated with the called party.

For at least the reasons given above, claim 1 is allowable over Woo. Claims 3-6 and 9 depend from claim 1 and are considered allowable over Woo for at least these reasons. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claim 13 recites that a method for monitoring a call forwarded to a network based voice mail system comprises determining whether the call can be monitored; if the call can be monitored, then sending a call monitoring alert signal and an activate call monitoring message to customer premises equipment (CPE) associated with a called party; and receiving an intercept tone from the CPE.

Woo does not teach or suggest a method for monitoring a call forwarded to a network based voice mail system as recited by claim 13. Instead, Woo describes a method for storing and transmitting the extension number of a called party by monitoring and storing at an integration device the extension number of the called party as a communication to the called party is passed to the private branch exchange from the central office, and if the call to the called party is forwarded to a voice message system (VMS), then generating a playback signal at the VMS which informs the integration device that information about the call (e.g., the dialed extension number) is desired. In response, Woo describes providing the VMS with the extension number to identify the called party. This is not analogous to the method recited by claim 13 because Woo fails to teach or suggest determining whether the call to a called party can be monitored. Instead, Woo describes that the integration device monitors the communication to a called party as the communication passes to the private branch exchange from the central office, without suggesting determining whether the communication can be monitored. Moreover, Woo fails to teach or suggest sending a call monitoring alert signal and an activate call monitoring message to customer premises equipment (CPE) associated with a called party; and receiving an intercept tone from the CPE.

For at least the reasons given above, claim 13 is allowable over Woo. Accordingly, Applicants respectfully request withdrawal of this rejection.

As amended, claim 18 recites that a method for monitoring a call forwarded to a network based voice mail system (VMS) comprises receiving a call monitoring provisioned signal from the VMS indicating that call monitoring is allowed, and in response to receiving the call monitoring provisioned signal from the VMS, sending a

call monitoring alert signal and sending an activate call monitoring data message indicating that call monitoring is available to customer premises equipment (CPE) associated with the called party number and connecting the VMS to the CPE.

Woo does not teach or suggest a method for monitoring a call forwarded to a network based voice mail system as recited by claim 18. In contrast, Woo describes a method for storing and transmitting the extension number of a called party by monitoring and storing at an integration device the extension number of the called party as a communication to the called party is passed to the private branch exchange from the central office, and if the call to the called party is forwarded to a voice message system (VMS), then generating a playback signal at the VMS which informs the integration device that information about the call (e.g., the dialed extension number) is desired. In response, Woo describes providing the VMS with the extension number to identify the called party. This is not analogous to the method recited by claim 18 because Woo fails to teach or suggest receiving a call monitoring provisioned signal from the VMS indicating that call monitoring is allowed. Instead, Woo describes sending a playback signal from the VMS informing the integration device that information about the call is desired, without suggesting also sending a call monitoring provisioned signal from the VMS that indicates that monitoring of the call is allowed. Further, Woo fails to teach or suggest sending a call monitoring alert signal and an activate call monitoring data message indicating that call monitoring is available to customer premises equipment (CPE) associated with the called party number and connecting the VMS to the CPE.

For at least the reasons given above, claim 18 is allowable over Woo. Claim 23 depends from claim 18 and is considered allowable over Woo for at least these reasons. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claim 30 recites that a method for monitoring a call forwarded to a network based voice mail system comprises receiving a call monitoring alert from a central office switch (CO); in response to receiving the call monitoring alert signal, providing an alert to a called party; receiving an activate call monitoring data message from the CO; and in response to receiving the activate call monitoring data message, going off-hook and engaging a speaker assembly to monitor the call.

Woo does not teach or suggest a method for monitoring a call forwarded to a network based voice mail system as recited by claim 30. On the contrary, Woo describes a method for storing and transmitting the extension number of a called party including monitoring and storing at an integration device the extension number of the called party as a communication to the called party is passed to the private branch exchange from the central office. If the call to the called party is forwarded to a voice message system (VMS), then Woo describes generating a playback signal at the VMS which informs the integration device that information about the call (e.g., the dialed extension number) is desired. In response, Woo describes VMS mail system described by Woo responds by playing a greeting message corresponding to the extension number. This is not analogous to the method recited by claim 30 because Woo fails to teach or suggest receiving a call monitoring alert signal from the central office, and in response, providing an alert to the called party. Moreover, Woo fails to teach or suggest receiving an activate call monitoring data message from the central office, and in response, going off-hook and engaging a speaker assembly to monitor the call. Instead, Woo describes transmitting the extension number of the called party from the central office to the private branch exchange. Moreover, Woo describes playing a greeting message corresponding to the extension number when the VMS receives the extension number from the integration device, without suggesting providing an alert to the called party and going off-hook and engaging a speaker assembly to monitor the call.

For at least the reasons given above, claim 30 is allowable over Woo. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claim Rejections Under 35 U.S.C. §103(a) Over Woo in View of Muller

Claims 26-29 are rejected under 35 U.S.C. §103(a) as being unpatentable over Woo in view of Muller. This rejection is respectfully traversed.

As amended, claim 26 recites that a method for monitoring a call forwarded to a network based voice mail system (VMS) comprises when the voice message greeting begins playing, sending a start of greeting signal from the VMS to the central office switch so that call monitoring is allowed if the central office switch is provisioned to begin call monitoring upon receipt of the start of greeting signal, and sending an end of

greeting signal upon completion of the voice message greeting from the VMS to the central office switch so that call monitoring is allowed if the central office switch is provisioned to begin call monitoring upon receipt of the end of greeting signal.

Woo does not teach or suggest a method for monitoring a call forwarded to a network based voice mail system as recited by claim 26. To the contrary, Woo describes a method for providing the extension number of a called party to a voice message system including monitoring and storing at an integration device the extension number of the called party as a communication to the called party is passed to the private branch exchange from the central office. If the call to the called party is forwarded to a voice message system (VMS), then Woo describes generating a playback signal at the VMS which informs the integration device that information about the call (e.g., the dialed extension number) is desired. In response, Woo describes providing the VMS with the extension number to identify the called party. The VMS described by Woo responds by playing a greeting message corresponding to the extension number. This is not analogous to the method recited by claim 26 because Woo fails to teach or suggest sending a start of greeting signal from the VMS to the central office when the voice message greeting begins playing so that call monitoring is allowed if the central office is provisioned to begin call monitoring upon receipt of the start of greeting signal. Instead, Woo describes sending a playback tone from the VMS to the integration device to inform the integration device to provide information about the call, and in response to receiving the information from the integration device, playing a greeting message, without suggesting sending a start of greeting signal from the VMS to the central office when the voice message greeting begins to play so that call monitoring is allowed if the central office is provisioned to begin call monitoring upon receipt of the start of greeting signal.

Moreover, Woo fails to teach or suggest sending an end of greeting signal upon completion of the voice message greeting from the VMS to the central office so that call monitoring is allowed if the central office is provisioned to begin call monitoring upon receipt of the end of greeting signal. Instead, Woo describes playing a greeting message in response to receiving information about the call from the integration device, without suggesting sending an end of greeting signal upon completion of the greeting message

from the VMS to the central office so that call monitoring is allowed if the central office is provisioned to begin call monitoring upon receipt of the end of greeting signal.

The Office Action relies on the teaching of Muller to allegedly cure the above-noted deficiencies of Woo. However, like Woo, Muller does not teach or suggest a method for monitoring a call forwarded to a network based voice mail system as recited by claim 26. On the contrary, Muller describes a method for monitoring voice messages including receiving a call at a Remote Answering Device if the call is not answered by a human after a preselected number of rings; playing a greeting at the Remote Answering Device; prompting the caller to wait for a beep; conferencing the user's voice mail number into the call to establish a conference call; and once the conference call is established, playing the beep and recording the message, which is also being played live on a speaker in the user's home. This is not analogous to the method recited by claim 26 because Muller fails to teach or suggest sending a start of greeting signal from the Remote Answering Device to a central office switch when the greeting begins playing so that call monitoring is allowed if the central office switch is provisioned to begin call monitoring upon receipt of the start of greeting signal. Instead, Muller describes establishing a conference call to monitor a message to be left at the Remote Answering Device after playing the greeting, without suggesting sending a signal from the Remote Answering Device to a central office switch when the greeting begins playing to allow call monitoring if the central office switch is provisioned to begin call monitoring upon receipt of the signal.

Further, Muller fails to teach or suggest sending an end of greeting signal upon completion of the voice message greeting from the Remote Answering Device to a central office switch so that call monitoring is allowed if the central office switch is provisioned to begin call monitoring upon receipt of the end of greeting signal. In contrast, Muller describes establishing a conference call with the user's voice mail number by sending a hook flash signal and dialing the user's voice mail number, and in response to establishing the conference call, playing a beep and recording the message, which is played on the speaker in the user's home. This is not analogous to the method recited by claim 26 because Muller fails to teach or suggest sending an end of greeting

signal to a central office switch to allow call monitoring if the central office switch is provisioned to begin call monitoring upon receipt of the end of greeting signal.

For at least the reasons given above, claim 26 is allowable over the combined teaching of Woo and Muller. Claims 27-29 depend from claim 26 and are considered allowable over the combined teaching of Woo and Muller for at least these reasons. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claim Rejections Under 35 U.S.C. §103(a) Over Woo in View of Gardell

Claims 10-12, 14-15, 22, 25, and 34-38 are rejected under 35 U.S.C. §103(a) as being unpatentable over Woo in view of United States Patent No. 6,011,896 to Gardell et al. (hereinafter "Gardell"). This rejection is respectfully traversed.

For at least the reasons given above, claims 1, 13, 18, and 30 are allowable over Woo. Claims 10-12 depend from claim 1 and are considered allowable over the combined teaching of Woo and Gardell for at least these reasons. Claims 14-15 depend from claim 13 and are considered allowable over the combined teaching of Woo and Gardell for at least these reasons. Claims 22 and 25 depend from claim 18 and are considered allowable over the combined teaching of Woo and Gardell for at least these reasons. Claims 34-38 depend from claim 30 and are considered allowable over the combined teaching of Woo and Gardell for at least these reasons. Accordingly, withdrawal of these rejections is respectfully requested.

CONCLUSION

For at least these reasons, Applicants assert that the pending claims 1-38 are in condition for allowance. Applicants further assert that this response addresses each and every point of the Office Action, and respectfully request that the Examiner pass this application with claims 1-38 to allowance. Should the Examiner have any questions, please contact Applicants' undersigned attorney at 404.954.5042.

MERCHANT & GOULD, LLC
P.O. Box 2903
Minneapolis, MN 55402-0903
(404) 954.5100



Respectfully submitted,

MERCHANT & GOULD, LLC

A handwritten signature in black ink, appearing to read "Jodi L. Hartman". The signature is written over a horizontal line.

Jodi L. Hartman
Reg. No. 55,251